

**UNITED STATES BANKRUPTCY COURT  
DISTRICT OF MINNESOTA**

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In re:

Bankr. No. 15-43828

James Alan Rothers,

Debtor.

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**AFFIDAVIT OF MATTHEW R. BURTON**

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STATE OF MINNESOTA     )  
  ) ss.  
COUNTY OF HENNEPIN    )

1. I am the attorney for J. Richard Stermer, the duly-appointed Chapter 7 Trustee (“Trustee”) of the Estate of James Alan Rothers.

2. Attached hereto as Exhibit 1 is the subpoena served upon Debtor James Rothers by the Trustee.

3. This filing is made to supplement the record for the Trustee’s sanctions motion scheduled for later today.

**FURTHER YOUR AFFIANT SAYETH NOT.**

Dated: February 2, 2017

s/ Matthew R. Burton  
Matthew R. Burton

B 254 (5/92)

# United States Bankruptcy Court

District Of Minnesota

In re James Alan Rothers,  
Debtor

## SUBPOENA FOR RULE 2004 EXAMINATION

Case No. 15-43828

To: James Alan Rothers

1309 Atlantic Ave

Kerkhoven, MN 56252

Chapter 7

☒ YOU ARE COMMANDED to appear and testify at an examination under Rule 2004, Fed. R. Bankr. P., at the place, date, and time specified below. A copy of the court order authorizing the examination is attached.

PLACE OF TESTIMONY

Stermer & Sellner, Chtd., 102 Parkway Drive, Montevideo, MN 56265

DATE AND TIME

Tuesday, November 29, 2016 at 9:00 a.m.

☒ YOU ARE COMMANDED to produce and permit inspection and copying of the following documents or objects at the place, date, and time specified below (list documents or objects):

See Exhibit #1

PLACE

Stermer & Sellner, Chtd., 102 Parkway Drive, Montevideo, MN 56265

DATE AND TIME

Wed., November 23, 2016 at 12:00 p.m.

ISSUING OFFICER SIGNATURE AND TITLE

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DATE AND TIME

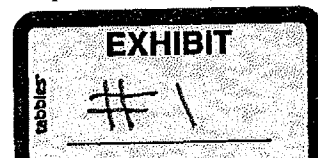
11-8-16

ISSUING OFFICER'S NAME, ADDRESS AND PHONE NUMBER

J. Richard Stermer, Trustee

102 Parkway Drive, P.O. Box 514, Montevideo, MN 56265 (320) 269-6491

<sup>1</sup> If the bankruptcy case is pending in a district other than the district in which the subpoena is issued, state the district under the case number.



**Exhibit #1**

James Alan Rothers 2004 Examination

Request for Production of Documents

1. Copy of Debtor's Divorce File No. 76-FA-14-39
  - a. Including but not limited to copies of all pleadings, court orders, discovery exchanges whether informal or formal
2. 2015 Tax Returns
3. Real Property
  - a. List of all real property owned by James Alan Rothers and its current use.
  - b. Property tax statements from all real property owned by James Alan Rothers.
4. Herman's Holding Company
  - a. All corporate documents, including but limited to Articles of Incorporation, By-Laws, and Share Certificate
  - b. Balance Sheets, Profit and Loss Statements, and Minutes from 1/1/14 to 10/1/16
  - c. All tax documents from 2014, 2015, and 2016
  - d. All bank statements from 1/1/2015 to 10/1/2016
  - e. Documentation regarding any property owned by business, including but not limited to vehicle titles, real property deeds, accounts receivable, service contracts, etc.
  - f. Documentation regarding any property transfers that took place either from or to the business from 1/1/13 to 10/1/16.
5. Remar Construction LLC a/k/a Remar Const. LLC
  - a. All corporate documents, including but limited to Articles of Organization, By-Laws, and Membership Documents
  - b. Balance Sheets, Profit and Loss Statements, and Minutes from 1/1/14 to 10/1/16
  - c. All tax documents from 2014, 2015, and 2016
  - d. All bank statements from 1/1/2015 to 10/1/2016
  - e. Documentation regarding any property owned by business, including but not limited to vehicle titles, real property deeds, accounts receivable, service contracts, etc.

- f. Documentation regarding any property transfers that took place either from or to the business from 1/1/13 to 10/1/16.

6. West Central Construction

- a. All corporate documents, including but limited to Articles of Incorporation, By-Laws, and Share Certificates
- b. Balance Sheets, Profit and Loss Statements, and Minutes from 1/1/14 to 10/1/16
- c. All tax documents from 2014, 2015, and 2016
- d. All bank statements from 1/1/2015 to 10/1/2016
- e. Documentation regarding any property owned by business, including but not limited to vehicle titles, real property deeds, accounts receivable, service contracts, etc.
- f. Documentation regarding any property transfers that took place either from or to the business from 1/1/13 to 10/1/16.

7. ABC Bin Company (whether in SD, MN, or IA)

- a. All corporate documents, including but limited to Articles of Incorporation, By-Laws, and Share Certificates
- b. Balance Sheets, Profit and Loss Statements, and Minutes from 1/1/14 to 10/1/16
- c. All tax documents from 2014, 2015, and 2016
- d. All bank statements from 1/1/2015 to 10/1/2016
- e. Documentation regarding any property owned by the business, including but not limited to vehicle titles, real property deeds, accounts receivable, service contracts, etc.
- f. Documentation regarding any property transfers that took place either from or to the business from 1/1/13 to 10/1/16.
- g. Documentation regarding the alleged Debt owed to ABC Bin Company by Debtor and transfer of property to the company
  - i. Including documents signed by Mr. Rother's employer regarding any debts and transfers

8. Copy of Debtor's Civil Court File No. 76-CV-16-169

- a. Including but not limited to copies of all pleadings, court orders, and discovery exchanges, whether informal or formal

9. Copy of Debtor's Civil Court File No. 76-CV-14-354
  - a. Including but not limited to copies of all pleadings, court orders, and discovery exchanges, whether informal or formal
10. Documentation regarding 2013 Mustang Shelby GT500
  - a. Transfer documents regarding transfer to Stephanie Voxland in 2014
  - b. Documentation regarding any proof of payment
  - c. Documentation regarding value of vehicle now and at the time of the transfer
11. Documentation regarding 2011 Chevy Camaro
  - a. Transfer documents regarding transfer to Heather Rose Rothers in 2014
  - b. Documentation regarding any proof of payment
  - c. Documentation regarding value of vehicle now and at the time of transfer
12. Documentation regarding a 2015 Polaris Slingshot, 2014 Ford F250, and 1999 Tractor Truck Mack CL700
  - a. Including titles and documentation regarding any transfers
13. Documentation including titles, transfer documents, and proof of payment for the following vehicles
  - a. 2013 Harley Davidson FLSTC
  - b. 2013 Ford F350
  - c. 2014 Ford F350
  - d. 2013 Harley Davidson Flhrse
  - e. 2 – 2007 International Trailers
  - f. 2012 Alma Trailer
  - g. 2009 Maxy Trailer
  - h. 2007 Northern Roadster Trailer
  - i. 2013 Triumph Trailer
  - j. 2012 Ford F150
  - k. 2013 Chevrolet Silverado